

**REMARKS**

Reconsideration of this application and the allowance of the rejected claims 1-18 are respectfully requested. Applicants have attempted to address every objection and ground for rejection in the Office Action dated September 7, 2007 (Paper No. 20070828) and believe the application is now in condition for allowance. The specification has been amended. No new matter has been added by this Response.

The Examiner objects to the specification for not having the proper headings identifying the different sections of the application. Applicants have amended the specification to include appropriate headings.

Claims 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if written in independent form including all the limitations of the base claim and any intervening claims. Applicants acknowledge the allowance of claim 16-18 and defer rewriting these claims in independent form at this time because Applicants believe that claims 1-18 are allowable for the reasons provided below.

Claims 1 through 13 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,588,900 to Le Gargasson et al (Le Gargasson). Applicants respectfully disagree with the objection and request that the Examiner reverse this objection for the following reasons:

Le Gargasson discloses a high resolution device for observing a body such as an eye and providing an enhanced image resolution of that body. (Col. 3, lines 19-23; Abstract). The resolution device includes a light source unit 10, a servocontrolled optics

device 20, a stepper scanning device 30 and an image capture and construction device 40. (Col. 4, lines 36-39). The optics device 20 further includes a wavefront distortion measurement device 21 that measures the aberrations, dioptric interfaces and the temporo-spatial fluctuations of the indices of the transparent media. (Col. 4, line 53 to Col. 5, line 3). The optics device 20 also includes a wavefront correction or compensation device 22 which compensates for the optical defects and distortions arising from the observed object or from the observation system itself. (Col. 5, lines 4-11). Le Gargasson therefore discloses a device that examines a body such as an eye by illuminating that body, measuring the formations of the wavefront of the light beam coming from the body and then correcting the sampled light using the distortion measurement device 21 and the compensation device 22.

In contrast, amended claim recites, among other things, a sighting device including “at least one moving target having a programmable shape or trajectory, said target being displayed on viewing means and visible by at least one eye of said object during the examination period.” In the claimed invention, the moving target displayed on the screen and observed by a patient’s eye or eyes improves the fixation or stability performance of the patient’s eyes to significantly improve the overall performance of the examination. (See the specification, page 6, lines 3-26; page 1, lines 23-28). Le Gargasson does not disclose providing any type of moving target on a display screen that is observed by a patient’s eyes to improve the fixation of stability performance of the patient’s eyes.

In the Office Action, the Examiner states that “Le Gargasson et al discloses (refer to figures 1 and 2) sighting device for examining the eye (5) of a subject comprising at least moving target (CA,CB) having a programmable shape, target being displayed on viewing means and visible by at least one eye (5) of subject during the examination period (Col. 5, lines 55-67).” (See the Office Action, page 5). Applicants failed to see where Le Gargasson discloses such subject matter.

Col. 5, line 55- Col. 6, line 2 of Le Gargasson states the following:

The wavefront measurement is carried out in this device by forming as small an illumination spot as possible in the scanned tissue. To do this, the light emitted by a superluminescent diode 11 enters the eye 5 after having passed through a lens 300, having been reflected off a splitter mirror SM1 and then off a moving mirror 400 for changing the microsurface and after having passed through a pair of lenses 500, also forming the optical entrance of the device.

The wavefront analyzer 21 is located in an optical plane conjugate with that of the subject’s pupil. To reach this analyzer 21, the backscattered flux passes through the pair of lenses 500, is reflected by the moving mirror 400, passes through the splitter mirror SM1 and is reflected by a second moving mirror 450.

This section of Le Gargasson does not disclose, or even suggest, any type moving target that is observed by a patient’s eye to improve the fixation and stability performance of the patient’s eyes. The “illumination spot” described in Le Gargasson refers to a spot projected onto the tissue of a patient’s eye to scan that tissue. The spot is not displayed on a screen or other device to be observed by the patient. Applicants therefore submit that Le Gargasson does not disclose the subject matter of claim 1 in its present form.

For at least these reasons, Applicants submit that claims 1-18 are patentably distinguished over Le Gargasson and in condition for allowance.

Claims 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Le Gargasson in view of U.S. Patent No. 7,006,232 to Rollins et al. (“Rollins”). The Examiner states that Le Gargasson discloses the subject matter of claims 14 and 15, except for a “Michelson interferometer” and a tomography OCT set up and the interferometer measurement according to OCT principle.” (See the Office Action, page 8).

In contrast, Claim 14 recites, among other things, a system for examining the eye by *in vivo* tomography, including a tomography device having “a sighting device comprising at least one moving target, having a programmable shape or programmable trajectory, said target being displayed on viewing means and visible from at least one of the eyes of said patient during the examination period.” As stated above, Le Gargasson does not disclose such subject matter. Additionally, Rollins does not remedy the deficiencies of Le Gargasson.

Rollins discloses a phase-referenced Doppler optical coherence tomography system that includes a low-coherence optical radiation source and a reference source co-propagated to a sample arm and reference arm to produce images that are free from defects due to sample motion and/or interferometer jitter. (See the Abstract). Rollins does not disclose displaying a moving target on a screen to be observed by a patient’s

Appl. No. 10/586,839  
Amdt. dated December 6, 2007  
Reply to Office Action of September 7, 2007

eyes to help improve the fixation and stabilizing performance of the patient's eyes for examination.

Accordingly, it should be considered that claims 14 and 15 are patentably distinguished over the combination of Le Gargasson and Rollins and in condition for allowance.

In view of the above remarks, the application is respectfully submitted to be in allowable form. Allowance of the rejected claims is respectfully requested. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, he is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

Customer No. 24978

December 6, 2007  
300 South Wacker Drive  
Suite 2500  
Chicago, Illinois 60606  
Telephone: (312) 360-0080  
Facsimile: (312) 360-9315

By:



Christopher S. Hermanson  
Registration No. 48,244